



the bar bulletin

APRIL 2022

FRESNO COUNTY BAR ASSOCIATION

www.fresnocountybar.org

VOL. 43 NO. 4

“CRISTINA’S COMMENTARY”

By Cristina M. Jelladian-Buchner
President,
Fresno County Bar Association



After writing about Women’s History Month in the March Bar Bulletin and honoring the vital role women within the legal profession have played in American History, I wanted to take this opportunity to also recognize President Biden’s nomination of Ketanji Brown Jackson as the next Associate Justice to the United States Supreme Court, which was announced after I submitted my last article.

Judge Jackson currently serves on the U.S. Court of Appeals for the District of Columbia Circuit. She attended Harvard University for both undergraduate and law school. Confirmation hearings for Ketanji Brown Jackson are expected to commence on March 21, 2022. If confirmed by the Senate, Judge Jackson would become the first Black woman and the first federal public defender to serve on the Supreme Court. She will be filling the seat vacated by the retiring Justice Stephen Breyer, for whom she clerked early in her professional career.

In acknowledging the historical nature of her nomination, Jackson noted she shares a September 14th birthday (albeit 49 years apart) with Judge Constance Baker Motley, “another groundbreaking Black lawyer.” Motley was described as the first Black woman to serve as a federal judge and to argue a case before the Supreme Court. Motley was also known for effecting significant change by challenging racist Jim Crow legislation throughout the segregated American South. In sharing closing remarks about Motley during her interview, Judge Jackson said, “Today I proudly stand on Judge Motley’s shoulders, sharing not only her birthday but also her steadfast and courageous commitment to equal justice under the law.”

Justice Lewis F. Powell, Jr., U.S. Supreme Court Justice (Ret.) during his tenure as president of the American Bar Association (August 1976) stated, “Equal justice under law is not merely a caption on the facade of the Supreme Court building; it is perhaps the most inspiring ideal of our society. It is one of the ends for which our entire legal system exists...it is fundamental that justice should be the same, in substance and availability, without regard to economic status.”

What does the motto “Equal Justice under Law” mean to you? Under the most basic definition, I believe most understand this phrase to mean that you and all other citizens are considered equal and protected under the rule of law. The laws define our individual rights and freedoms. This concept seems so simple, yet the complexities of our world today have made it complicated. For example, where does your freedom end and another individual’s freedom begin? Our judicial branch of the government, our court system, the one branch of government devoted to “Fairness”, helps find the answers.

Here in our own Court, most of you may know that in 2022 Judge David C. Kalemkarian became the presiding Judge. Prior to becoming a judge for the Fresno County Superior Court, Kalemkarian worked as a Court Commissioner for Fresno’s Superior Court. Personally, I have appreciated the wit and humor Judge Kalemkarian has brought into the courtroom over the years when I have appeared in front of him on family law matters. I believe most of my colleagues who have appeared before Judge Kalemkarian would agree that he is not only patient and courteous, but extremely knowledgeable and effective at assisting the parties and counsel in reaching fair resolutions even in the most complex matters. On April 6, 2022, at 12:00 p.m., we are honored to have Judge Kalemkarian provide the State of the Court Update at our Fresno County Bar Association MCLE event via Zoom. On behalf of the Fresno County Bar Association, we want to wish Judge Kalemkarian well in the year ahead and invite all of you to join us on April 6th.



Governor Newsom Makes Two Fresno County Judicial Appointments

By Missy Mckai Cartier PIO SJCL



Virna Santos



Stephanie Negin

Governor Gavin Newsom has appointed 40-year-old Stephanie L. Negin and 56-year-old Virna L. Santos to fill two of the three vacancies on the Fresno County Superior Court Bench.

Negin, of Clovis, has served as a Senior Defense Attorney at the Fresno County Public Defender’s Office since 2007. She earned a Juris Doctor degree from the Thomas Jefferson School of Law. She fills the vacancy created by the retirement of Judge Debra Kazanjian. She is a Democrat.

Santos, of Fresno, has been a Sole Practitioner since 2014. She served as Regional Director for Judicial Studies and Regional Director for Latin America and the Caribbean at the U.S. Department of Justice, Office of Overseas Prosecutorial Development, Assistance and Training from 2011 to 2014 and was a Senior Legal Advisor detailed to the U.S. Embassy in Bogota, Colombia from 2007 to 2011. Santos served as an Assistant U.S. Attorney at the U.S. Attorney’s Office, Eastern District of California from 1995 to 2007 and as a Law Clerk for the Honorable Gilberto Gierbolini at the U.S. District Court for the District of Puerto Rico from 1993 to 1995. She served as a Deputy Attorney General at the California Department of Justice, Office of the Attorney General from 1990 to 1993. Santos earned a Juris Doctor degree from Harvard Law School. She fills the vacancy created by the retirement of the late Judge Gary Hoff. Santos is a Democrat.

The question of a third vacancy on the bench, created by the November 2021 retirement of Judge Denise Whitehead, will be answered by Fresno County voters in the June 7th election.

MARK YOUR CALENDARS!!!

FCBA’S APRIL & PRO-TEM RECOGNITION MCLE VIA ZOOM

WEDNESDAY, APRIL 6 2022; 12:00 – 1:15 P.M.

SPEAKER: HON. DAVID C. KALEMKARIAN
PRESIDING JUDGE OF THE FRESNO COUNTY SUPERIOR COURT

TOPIC: “STATE OF THE COURT UPDATE”
AND “PRO TEM RECOGNITION”

Email anitamartinez@fresnocountybar.org for the registration link

FCBA’S LAW DAY

WEDNESDAY, MAY 18, 2022; 12:00 – 1:15 P.M.

SPEAKER: HON. STANLEY A. BOONE
MAGISTRATE JUDGE U.S. DISTRICT COURT,
EASTERN DISTRICT OF CALIFORNIA

TOPIC: “TOWARD A MORE PERFECT UNION:
THE CONSTITUTION IN TIMES OF CHANGE”

LOCATION/COST: TBA

PLEASE SEE INSERT INSIDE

CHECK CALENDAR INSIDE THIS ISSUE FOR
“ADDITIONAL EVENTS/INFORMATION”
OR OUR WEBSITE: www.fresnocountybar.org

Hanson Scholarship Winner Announced

By Fresno County Women Lawyers Board



Our 2021 Justice Pauline Hanson Scholarship season was a bit delayed, but we are proud to announce a recipient.

Armida Mendoza is a fourth-year law student at San Joaquin College of Law. For the past ten years, she has dedicated her time to assisting the Central Valley immigrant community with various immigration issues. She will be taking the bar this summer and the Hanson Scholarship will assist her with her preparation.

Many thanks to the 2021 Hanson Scholarship Committee for volunteering to review and interview the

many qualified applicants. If you would like to join the 2022 Committee, please contact fcwl.pastpresident@gmail.com. Congratulations, Armida!

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FRESNO COUNTY BAR BULLETIN

www.fresnocountybar.org

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The editorial board solicits your comments and contributions. The **May issue of The Bar Bulletin** will be published in **early May, 2022**. Articles and materials for that issue must be submitted, via email, to Anita Martinez (anitamartinez@fresnocountybar.org) or Dean B. Gordon (dean@deangordonlaw.com), c/o Fresno County Bar Assn., 2444 Main Street, Suite 125, Fresno, 93721 in Word or Word Perfect format **no later than April 15, 2022**. If you are interested in contributing to the forthcoming issue or any future issues of **The Bar Bulletin**, please call any member of the editorial board to make the necessary arrangements before preparing materials for publication.

Pro-Tem Judges and ADR Settlement Officers Recognized by the Fresno Superior Court

The judges of the Fresno Superior Court would like to express their appreciation and gratitude to members of the local bar and retired members of the bench for their service to the Court as pro-tem judges and ADR settlement officers. All attorneys, mediators and retired members of the bench who generously donated their time on behalf of the Court are listed below. Those who donated 25 or more hours of pro-tem service or as an ADR settlement officer will be recognized by Presiding Judge David C. Kalemkarian during the Bar Association luncheon to be held via Zoom on Wednesday, April 6, 2021.

The Court is deeply grateful to all those who have performed this valuable service. If you plan to attend the luncheon, please remember to RSVP to the FCBA at anitamartinez@fresnocountybar.org.

Individuals donating 25 + hours in 2021

| | |
|------------------------------|----------------|
| Annette Ballatore-Williamson | James P. Lambe |
| Cheryl Browns | Brenda Linder |
| Jeffrey W. Eisinger | Amy L. Lopez |

Individuals donating up to 24 hours in 2021

| | |
|-----------------------------|--------------------|
| Matthew G. Backowski | Karen L. Lynch |
| Hon. Donald S. Black (ret.) | Mary Moshrefi |
| R. Frank Butler | Michael J.F. Smith |
| Russell D. Cook | Warren Williams |
| Douglas L. Gordon | Jamie Xiong-Vang |
| Troy Hazelton | |

Pro Bono Awards to be Presented at Law Day For Firm and Attorney of the Year

The Pro Bono Services Section of the Fresno County Bar Association will recognize an attorney and law firm that have provided outstanding pro bono legal services to some of our community's neediest individual low-income families, the homeless, veterans, battered women, and immigrants at FCBA's Law Day luncheon **on Wednesday, May 18, 2022 at 12:00 p.m.** The 2022 Law Day theme is:

"Toward a More Perfect Union: The Constitution in Times of Change"

Due to the strains on our local and state resources, it is especially important to recognize those who give their time to assisting the underserved of our community. Please nominate an individual or firm that has demonstrated dedication to improving the delivery of legal services to those of limited means by **Friday, April 15, 2022**. Dedication would include activities that satisfy previously unmet needs in underserved segments of the community, successfully representing persons of limited means in criminal or civil matters, and/or working towards achieving legislation that positively impacts the delivery of legal services to these individuals.

Nominations should include the contact information of both nominees and nominators and concrete examples of the nominee's contributions to the delivery of legal services to those of limited means. All nominations can be mailed to Fresno County Bar Office at 2444 Main Street, Ste. 125, Fresno, CA 93721 or e-mailed to Anita Martinez at anitamartinez@fresnocountybar.org, no later than **Friday, April 15, 2022**.

WITKIN AWARD:

The Association's Annual Bernie E. Witkin Lifetime Achievement Award will be given on Friday, June 24, 2022, at the Witkin luncheon. This Award is given to a member of our legal profession in recognition of his or her contribution to the advancement of jurisprudence through community service, scholarship, bar activities and the like. Nominations for this Award are due by noon on Tuesday, May 10, 2021.

Please email the nomination to: anitamartinez@fresnocountybar.org or call the Bar office at: (559) 264-2619.

FAREWELL TO JUDGE GARY HOFF



"The Gary Hoff Jury Assembly Room," and a Socratic wisdom imparted to the judges who worked with him and to the attorneys who appeared before him. We must also mention his demeanor: unflappable but not unemotional, courteous to everyone, never a moment of rancor. On the bench he was the quintessence of judicial impartiality and emotional restraint. In private, he might reveal his feelings, as when a young attorney whose wife died a year after Judge Hoff's wife had died was invited into chambers, where the two of them cried together, sharing their staggering loss. Shakespeare's words are apropos: "He was a man, take him for all in all, I shall not look upon his like again."

Staff Editors' Note: A life cut short, barely a breath between retirement and death. We expected Judge Hoff to sit pro tem years beyond his retirement, to continue his offerings of wise guidance and counsel, and to enjoy the best of travels with his children. Alas, he is with us no more. As the Persian poet Omar Khayyám wrote: "The Moving Finger writes; and, having writ, Moves on: Nor all thy Piety nor Wit shall lure it back to cancel half a line, Nor all thy Tears wash out a Word of it." Our consolation is the legacy he has left us: the establishment of youth courts to intercede in juveniles' lives before young offenders become habitual criminals; a jury assembly room now named

We have reprinted his obituary that appeared in the Fresno Bee and is published in legacy.com:

Judge Gary Hoff, October 20, 1948-March 7, 2022, Fresno, California. Fresno County Superior Court Judge Gary Hoff passed away peacefully at home on March 7, 2022, at the age of 73 following a brief but courageous battle against cancer. Gary was born on October 20, 1948, and was raised in Van Nuys, California. He attended Notre Dame High School in Sherman Oaks, then Cal State Northridge. During his college summers he worked at Gold Arrow Camp at Huntington Lake, where he made many life-long friend-

ships. After graduation from law school, he passed the bar and went to work for the Fresno County District Attorney. He was assigned to criminal trials where he handled many high-profile homicide cases and successfully prosecuted the first spousal rape jury trial in Fresno County. At the same time, he became a mentor to many young prosecutors, teaching them how to develop and present their cases ethically and professionally.

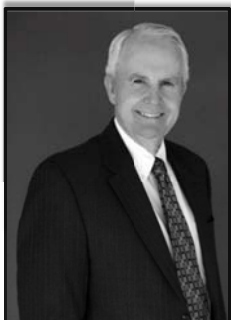
In spite of his demanding workload, he always made time to visit his friends at Gold Arrow during the summer. It was during one of those visits in 1978 that he met Meg Geary, who quickly became the love of his life. Just over a year later they were married and made their home in Fresno, where they raised their two children, Kyle and Maureen.

In 1997 Gary was appointed to the Fresno Superior Court bench by then governor Pete Wilson. Once again, he quickly gravitated to the most high-profile, complex criminal trials involving the most violent crimes. On three occasions, his peers elected him to be the court's presiding judge, resulting in his serving six one-year terms, the most in the county's history. But the highlight of his judicial career was starting a youth court in which students held their peers accountable for minor offenses. Gary believed early intervention

would help young offenders before they turned to more serious crime. There are now youth courts at high schools through Fresno County with a variety of judges volunteering to preside over those hearings. In October 2021, Gary learned he had terminal cancer. So, after 28 years on the bench, he decided to advance his retirement plans and concentrate on the immediate priorities of health, family and faith. In his parting email to his court family, Gary quoted his favorite song writer Bob Dylan, who wrote: We will meet another day, another time/ It's not the leaving that's grieving me, but my friends who are bound to stay behind.

Unfortunately, the treatments were unsuccessful and the cancer quickly consumed him. Gary was predeceased by his wife Meg and brother Paul. He is survived by his son Kyle Hoff (Amanda) and his daughter Maureen Boese (Rob) his grandchildren Berkley, Wesley and Ginger; his sister Judy Hoff-Koenig (Dan); his brother Kurt Hoff (Elaine); his sisters-in-law Kathryn Hoff and Dana Geary; and numerous nieces and nephews. A memorial mass was held on March 17, 2022 at St. Anthony of Padua Catholic Church in Fresno. [The church was packed with persons coming to pay their respects, saddened over such a great loss.]

Justice Stephen J. Kane (Ret.)



- Mediator
- Arbitrator
- Referee

In my role as a private mediator, arbitrator or referee I will apply my 25 years of judicial experience on the trial and appellate courts, where I managed thousands of civil cases of all types and complexities through pretrial, trial and appellate stages and assisted in the settlement of hundreds of cases.

Feel free to contact me should you need to retain a mediator, arbitrator or referee.

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The Impact of Your Scholarship Donation

By Missy Mckai Cartier PIO SJCL



One of the best parts of SJCL is the way it changes so many families' futures. Our alumni ranks are swelled by attorneys who were the first in their family to graduate college or even high school. There are also those who came from backgrounds including generations of nearly debilitating poverty who broke that chain and headed for the stars.

We are always unapologetically ecstatic and grateful for the many scholarships offered by supporters of SJCL; it lessens the burden for many who have come a long way with very little, enabling them to dedicate more energies to their studies.

This year, we have extra reason for celebration, with the addition of multiple new scholarships. While we have mentioned others in previous issues of the Bar Bulletin, these also deserve applause.

SJCL Alumni Sally and Justin Vecchiarelli of Proper Defense Law Corporation have created a scholarship for a graduating student who is employed and studying for the Bar exam. The Employed Student Bar Study Scholarship was inspired by both Sally and Justin's experiences during their final year of law school.

"We will never forget how difficult it was to study for the Bar exam when both of us were in law school and working full time. We believe that the best approach to passing the Bar the first time is to take time off to work and focus

100% on studying. We hope that this scholarship will assist a working law student so they can take the time off work and commit fully to their studies."

Also new to the list are two "Covid-19 Pandemic Hardship" scholarships sponsored by the Student Bar Association. Any enrolled 1st-5th year law student who demonstrates hardship due to the COVID-19 Pandemic is qualified to apply.

Some of the scholarships are like a love letter.

The James C. Pell Memorial Scholarship has been created by his daughter, former SJCL Adjunct Professor and Alumnae Shannon Pell. She says "My Dad was in law enforcement his entire career. He started as a cop in Oakland CA." He eventually earned his AS in criminal justice and went through the academy to become a special agent with the CA Department of Justice, Bureau of Narcotic Enforcement, retiring in 1996.

Meanwhile, Shannon earned her degree in Criminology at Fresno State and enrolled SJCL. All along, she says her Dad was her rock. "Dad had great respect for the role defense attorneys played even though he was on the other side. He was proud despite, as he laughingly put it, I worked for the 'dark side.' I got where I am today because my Dad loved criminal justice and passed that on to me. And even though I went a different way with my undergrad degree, I felt it would honor him and the way he was always there for me, to honor his memory with this scholarship, making it available to anyone with an interest in criminal law practice whether it be prosecution or defense."

As this issue of the *Bar Bulletin* heads to press, there are more than 50 scholarships available for SJCL students, with another one waiting in the wings. We are so grateful to those who have created these scholarships and those who have donated to sustain them. We believe these students will do great things. You already have.

OFFICE SPACE AVAILABLE

We have an office located at 1233 W. Shaw Ave., Suite 100, Fresno with space available for an attorney and 1-2 staff members. The space will include a common reception area, conference rooms, telephone system, copier/fax, and receptionist, together with sharing other common expenses and a lunchroom. The attorneys in the suite are: Tom Tusan, Stan Teixeira, Bryan Pinion, Russ Cook, and Kathleen Talens. If you are interested, please call 225-2510 and ask to speak to Tom Tusan or email him at tom@tusanlaw.com.

Memories of Bygone Courts

By Hon. Edward Sarkisian (Ret.)

Senior members of the Fresno County bar will remember the outlying Justice Courts which were located in many cities throughout the county. Many attorneys in the offices of the District Attorney and the Public Defender gained valuable court experience in their Justice Court appearances. It is interesting to note that in the early days of the Justice Courts, many of the judges were not attorneys but nevertheless allowed to serve in that capacity if elected.

I have many fond memories of traveling to those courts and appearing before the Justice Court judges. They were dedicated and hard-working individuals who fairly and impartially served the justice system.

As time went on, and court unification was on the horizon, the justice court judges decided to form what was later called the Central Valley Municipal Court. Attorney Michael Weinberg was selected to serve as that Court's Executive Officer.

As noted in the history section of the Superior Court's website, in June, 1998, the California electorate approved constitutional amendments permitting the Superior Courts and Municipal Courts to fully unify. The judges of Fresno County agreed to unify all courts with the Superior Court of Fresno County effective July 1, 1998, thus abolishing the municipal courts.

Prior to this unification, Michael Weinberg and I had a sense that municipal court abolition was coming soon. We therefore believed that some record should be made to preserve memories of the outlying courts.

Accordingly, in 1997 Weinberg and I made a tour of all outlying Central Valley Courts and videotaped each court. The entire video

is approximately thirty-seven minutes in length.

The Courts that we videoed are displayed in the following order: Fowler (with Judge Carlos Cabrera doing the narrative); Kingsburg; Reedley-Dunlap; Parlier; Sanger (with Judge Jane York doing the narrative); Selma (with Judge Anthony Ishii doing the narrative); Riverdale; Coalinga (with Judge Harry Papadakis doing the narrative); Firebaugh; and Kerman (with Judge Robert Campagna doing the narrative.) Since it was an old video, I recently had it converted and made into several USB drives. At the beginning, the sound and pictures are difficult to follow, since it is from a video taken approximately twenty-five years ago. Accordingly, when viewing, the volume has to be turned up and in a very few spots, not a very clear picture can be seen. Nonetheless, it is viewable and, in my opinion, a treasure of Fresno County court history.

I shared this information with Judge Arlan Harrell when he served as Presiding Judge of the Superior Court. He requested a copy of the video, which I gave to the Court and understand that it was played at the 2021 Spring Workshop for all Judges to view. I also gave a copy to Brian Tatarian, who has placed it in the court section of the Museum at the Fresno County Fairgrounds. It would be a pleasure to also provide a copy to be placed with the Fresno County Bar Association office for historical purposes and for possible viewing at one of the Bar's future meetings. As previously mentioned, the video is a treasure and will be especially enjoyed by attorneys who appeared in the Justice Courts and the Central Valley Municipal Court.

CCLS Celebrates 55 Years

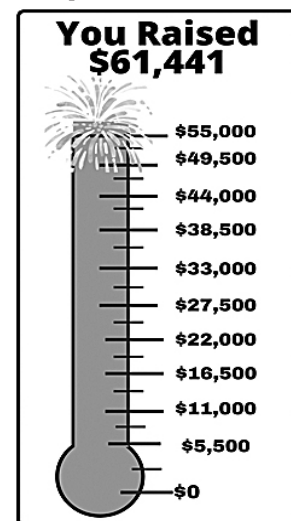
Submitted by CCLS Development Team

Central California Legal Services (CCLS) is celebrating fifty-five years of providing essential legal services to the community. In 2021, your support helped raise over \$55,000! Your passion and dedication are the reason our friends, family and neighbors are safely housed, have financial security, health care access, and are free from violence.

Looking back, the past fifty-five years have been filled with important milestones, legal victories and community challenges. In the 1960s, civil legal aid was born during a period of significant social and political upheaval.

Today, CCLS - while our nation still struggles with these issues and more - continues in the fight for justice and equity in our communities and courtrooms.

Thank you for every dollar, every volunteer hour, every mention and share on social media. You create justice, equity and power in our community.





Like all parents, Arti Nayyar wants the best possible public education for her kids. Unlike most parents, she finds herself embroiled in a battle to obtain it.

A veterinarian with her own private practice, Arti is the proud mother of two children. Her son Kabir, now six, was diagnosed with autism when he was three. Arti felt overwhelmed and lost with the diagnoses, unsure how to find the proper resources for Kabir's education.

She met Jodie Howard at a seminar on inclusion and Individual Education Plans (IEPs) for special needs children. In her presentation, Jodie shared her own experiences in pursuit of her son's rights to an appropriate education. Jodie's son Bren is autistic too.

For Arti, meeting Jodie confirmed the need to learn all she could about navigating this puzzling new world. Sadly, the first thing most parents learn is that the behavioral, social, and education issues of children within the autistic spectrum often become fodder for battle.

BREN Provides Critical Training for Parents

By Diane Skouti, SJCL Alumni Liaison

Upon witnessing the damaging effects of excluding children whose progress is dependent upon inclusion among their peers, parents find that the very programs created to assist their children can sometimes become their undoing. The path to attaining what is best for special needs kids necessitates knowledge about the legal right of each child to a free and appropriate education and a fair chance to reach their full potential.

For Jodie that meant becoming an attorney herself. Her determination to obtain support and equity for her son led her to become the valedictorian of her graduating law class, and to create the BREN Clinic, named after her son, on the campus of San Joaquin College of Law.

Jodie's mission as Director of the BREN Clinic is to provide the knowledge and assistance that can help individuals with intellectual and developmental disabilities obtain the education, community services, and related support they need to reach their full potential.

Arti says she took the BREN

training program (33 hours of comprehensive advocacy training) for parents and caregivers – twice – because it was so full of helpful information. Learning the terminology, procedures, and limitations of school districts to fully serve special needs children gave her the power to defend her son's rights.

While it is not the intention of school districts to become adversaries of children with special needs, most parents straddling the worlds of autism and general education (Gen Ed) are often forced to take aim against slights that seem to occur routinely. Armed with the knowledge and assistance from the BREN Clinic, Arti was able to persuade the school to let Kabir participate in Gen Ed as a kindergartner.

"Children at that age are naturally inclusive, and forgiving," she said. "When you go into a classroom of the younger children, you won't find judgement or cruelty. Just understanding and acceptance, which is what special needs kids, need most."

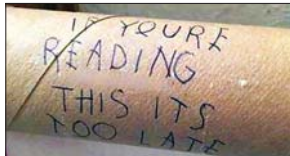
If an autistic child is struggling in a Gen Ed class that is too challenging, the answer is often to place him in the autism class. If the autism class is not challenging enough, he will flounder. If his best option is to be placed in a general education grade below where the school thinks he should go, a battle ensues where factors like budget, resources, regulations, and bias often rear their ugly heads.

Arti says her son was too advanced for the autism classroom, even without having attended in-person kindergarten due to COVID. She says he was close to being at 1st grade level when the schools opened again, but she wanted him to begin, like all kids do, with kindergarten. The school district didn't agree. Arti says the frustration her son experiences being placed above his grade level brings out the negative behavior, but he has none of those issues when he is not being challenged in an unfairly difficult situation. So she continues to fight, with the BREN Clinic's guidance, for what is best for Kabir.

END OF THE ROLL

(Things you might have missed. Possibly intentionally)

By Kilroy



Barring the Babies

Looks like the State Bar is in the hole to the tune of \$4 million but has already found a scape goat: those pesky bar takers. The State Bar is expecting \$2 million less in bar exam fees this year, coupled with the confounded clawing back of \$1 million to bar takers who were bounced out of the Bar exam due to tech issues. Rather than revamping its revenue stream, it is looking at selling its San Francisco building and moving to...? Someone needs to send them a Fresno EDC rep

ASAP. If this area can do the IRS, we could probably handle the State Bar.

Breaching the Bar

Seems a website called "judgyrecords.com" (no relation to Judge Judy, we assume) published confidential information about 260,000 attorney discipline cases in California and elsewhere. The records, which have since been removed, included case numbers, file dates, information about the cases, their statuses, and the names of respondent and complaining witnesses. Judgyrecords.com is a website that collects nationwide court case records, but its information on the attorney discipline cases is not supposed to be available to the public. Officials don't know whether the published information was the result of a hacking incident. Or is it just a hack run-

ning the website?

Hacking the Bar?

The good news in this story is we're not talking about the State Bar this time.

Bar applicants in Ontario were told just eleven hours before they were due to sit for the exam that it had been cancelled because the questions had been leaked. No word on when it will be rescheduled other than the usual "as soon as possible." The Mountie assigned to the case seems to suggest this was an internal leak. In other words, Dudley Do-Right, rather than Snidely Whiplash.

Going for the Highest Court

Eleven year-old Maddi Morgan wrote a letter to President Joe Biden asking to be chosen for the vacant seat on the Supreme Court. As she told CBS News "It all kind of started in fourth grade where we're

learning about America's government systems and stuff... There aren't really many requirements to be a part of the Supreme Court. You just have to be appointed by the president. So, I thought, why not? And I just shot my shot." She does have a "Plan B" if she's not chosen. "I have always wanted to be an astrophysicist. I've always been quite interested in space and stuff."

Highest Honor?

The oldest ancestor of the octopus has been discovered in remarkably preserved fossilized form. It is estimated to be 328 million years old and, as the fossil clearly shows, has ten arms. While mighty, the beast is less than 5 inches long. The species, previously unknown, is 82 million years older than previously discovered octopi fossils. It has been named "Syllipsimopodi bideni," after President Joe Biden.

Mediator * Arbitrator
Discovery Referee

Michael J Seng

U.S. Magistrate Judge, Retired

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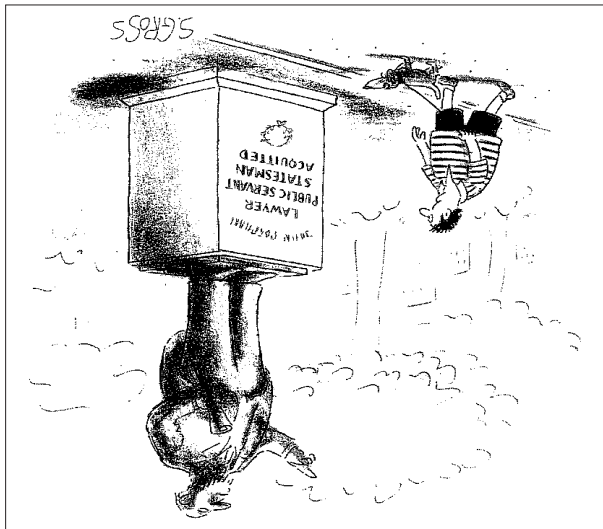
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A lawyer boarded an airplane in New Orleans with a box of frozen crabs and asked a blonde flight attendant to take care of them for him. She took the box and promised to put it in the crew's refrigerator. He advised her that he was holding her personally responsible for them staying frozen, mentioning in a very haughty manner that he was a lawyer, and proceeded to rant at her about what would happen if she let them thaw out. Needless to say, she was annoyed by his behavior. Shortly before landing in New York, she used the intercom to announce to the entire cabin, "Would the lawyer who gave me the crabs in New Orleans, please raise your hand." Not one hand went up, so she took them home and ate them.

.....

A lawyer defending a man accused of burglary tried this creative defense: "My client merely inserted his arm into the window and removed a few trifling articles. His arm is not himself, and I fail to see how you can punish the whole individual for an offense committed by his limb."

"Well put," the judge replied. "Using your logic, I sentence the defendant's arm to one year's imprisonment. He can accompany it or not, as he chooses."

The defendant smiled. With his lawyer's assistance, he detached his artificial limb, laid it on the bench, and walked out.

.....

Two lawyers went into a diner and ordered two drinks. Then they produced sandwiches from their briefcases and started to eat. The owner became quite concerned and marched over and told them, "You can't eat your own sandwiches in here!"

The lawyers looked at each other, shrugged their shoulders, and then exchanged sandwiches.

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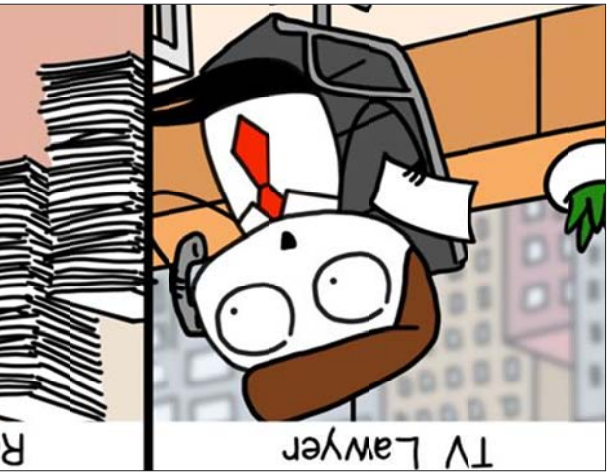
The Penalty for laughing in court is six months in jail; if it were not for this penalty, the jury would never hear the evidence. - H. L. Mencken



.....

Lawyers occasionally stumble over the truth, but most of them pick themselves up and hurry off as if nothing had happened. - Winston Churchill

Lawyers are like rhinoceroses: thick skinned, short-sighted, and always ready to charge. - David Mellor (b. 1949), British Conservative politician

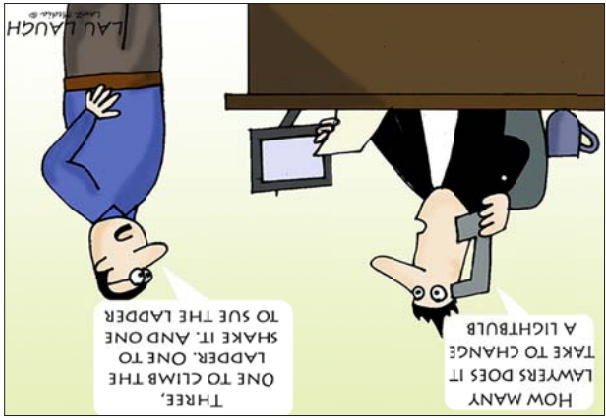


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A man walked into the local Chamber of Commerce of a small town, obviously desperate. Seeing a man at the counter, the stranger asks, "Is there a criminal attorney in town?" To which the man behind the counter immediately quipped, "Yeah, but we can't prove it yet!"

the barb bulletin

APRIL 2022



Q: How many lawyers does it take to screw in a light bulb?

A: Three, one to climb the ladder, one to shake it, and one to sue the ladder company.

A guy walks into a post office

one day to see a middle-aged, balding man standing at the counter methodically placing envelopes with hearts all over them. He then takes out a perfume bottle and starts spraying his scent all over the envelopes. His curiosity getting the better of him, he goes up to the balding man and asks him what he is doing. The man says, "I'm sending out 1,000 Valentine cards signed, 'Guess who?'" "But why?" asks the man. "I'm a divorce lawyer," the man replies.

The attorney tells the accused,

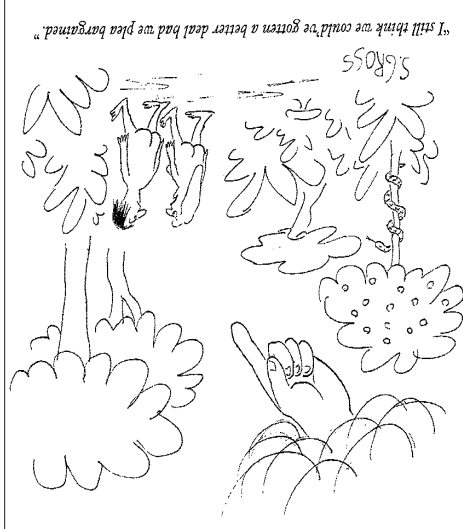
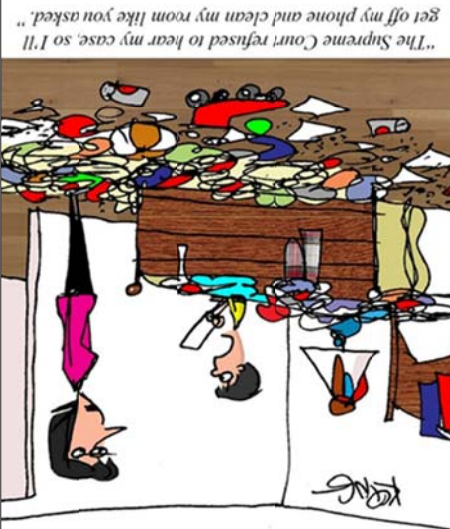
"I have some good news and some bad news," "What's the bad news?" asks the accused. "The bad news is, your blood is all over the crime scene, and the DNA tests prove you did it." "What's the good news?" "Your cholesterol is 130." I was in juvenile court, prosecuting a teen suspected of burglary, when the judge asked every one to stand and state his or her name and role for the court reporter. Leah Rauch, deputy prosecutor, I said, "Linda Jones, probation officer." "Sam Clark, public defender." "John," said the teen who was on trial. "I'm the one who stole the truck."

When my 88-year-old mother

was called for jury duty, she had to submit to questioning by the opposing lawyers. "Have you ever dealt with an attorney?" asked the plaintiff's lawyer. "Yes, I had an attorney write my living trust," she responded. "And how did that turn out?" "I don't know," she said. "Ask me when I'm dead."



Proud mother: "My son is a brilliant lawyer. He can look at a contract and tell you immediately if it's written or oral!"



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Valley Verdicts

| VENUE/CASE TYPE | INJURY | RESULT |
|---------------------------|--------------------------|-------------|
| FRESNO | | |
| Premises Liability | Multiple Severe Injuries | \$9,328,324 |
| SAN JOAQUIN | | |
| Labor & Employment | Monetary Damages | Defense |
| U.S.D.C., E.D.CAL. | | |
| Labor & Employment | Monetary Damages | Defense |

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TRIALS DIGEST'S CASE OF THE MONTH

2021 WL 7186315

JURORS FOUND DEFENDANT HILLER AIRCRAFT 25 PERCENT AT FAULT, ITS GENERAL MANAGER 45 PERCENT AT FAULT, THE DEFENDANT CITY 25 PERCENT AT FAULT AND THE PLAINTIFF'S CO-DRIVER 5 PERCENT AT FAULT

PREMISES LIABILITY - Industry Property Accident; Roadway Accident; City Government Road Maintenance

FRESNO COUNTY SUPERIOR COURT

Jones v. Hiller Aircraft Corporation; City of Firebaugh, Docket number: 18-CECG-04044. Judge: Rosemary McGuire. Trial type: Jury. Result date: May 04, 2021.

RESULT: \$9,328,324

Compensatory Pain & Suffering: \$3,000,000
Compensatory Past Medical: \$1,095,582
Compensatory Future Medical: \$3,527,546
Compensatory Past Wages: \$87,296
Compensatory Future Wages: \$1,617,900
Total Compensatory Award: \$9,328,324
Defendant Contended Plaintiff Assumed Risk: Yes
Comparative Negligence Percentage: 0

COUNSEL

Plaintiff: Richard C. Watters, Law Offices of Miles, Sears & Eanni, Fresno, CA
Plaintiff: Lyndsie N. Russell, Law Offices of Miles, Sears & Eanni, Fresno, CA
Defendant: David M. Overstreet IV, Overstreet & Associates, Fresno, CA
Defendant: Chester E. Walls, Overstreet & Associates, Fresno, CA
Defendant: David J. Frankenberger, Ericksen Arbuthnot, Fresno, CA

FACTS/CONTENTIONS

Daquan Jones, an adult male truck driver, reportedly suffered injuries, including a traumatic brain injury, resulting in loss of judgment, memory loss and emotional problems; cervical vertebrae fractures, open wounds on his back and buttocks, requiring skin grafts; left peroneal nerve damage, resulting in left foot drop, a neurogenic bladder and bowel requiring a colostomy and catheter; and a dislocated and fractured left shoulder and a pelvic fracture during a physical altercation with an employee of defendant Hiller Aircraft Corporation while on Hiller Aircraft property, located off a dead end street previously operated and abandoned by defendant City of Firebaugh. Jones and his co-driver reportedly requested and received permission to turn around on the Hiller Aircraft property after reaching the end of the city street and encountering cement barricades. As Jones and his co-driver were attempting to leave the property, Hiller Aircraft's general manager closed the gate and prevented them from leaving without paying the posted truck turn-around fee. Jones allegedly refused to pay the fee, resulting in the altercation. The co-driver allegedly attempted to drive the truck off the property and ran over Jones. The plaintiff contended defendant Hiller Aircraft negligently created the dangerous condition, including the cement barricades, wire strung between poles and poles used to block traffic, failed to warn of the condition and failed to take precautions against the dangerous conditions. He asserted a claim for dangerous condition of public property against the city, alleging the city installed and/or allowed area landowners to erect the cement barricades, wire fences and/or logs blocking the road, failed to provide proper signage and failed to provide warning signs. He also claimed the presence of the barricades, wire fence, and logs and the roadway ending constituted a dangerous condition on public property. The defendants denied liability. The city asserted affirmative defenses, including comparative negligence, assumption of the risk, third party fault, failure to mitigate damages, superseding/intervening cause, lack of notice and immunity under state law, including failure to provide traffic control signals or signs, inspection immunity and law enforcement immunity. Defendant Hiller Aircraft contended it could not be found vicariously liable for the actions of an employee acting outside the scope of his employment. Jurors found defendant Hiller Aircraft 25 percent at fault, its general manager 45 percent at fault, the defendant city 25 percent at fault and the plaintiff's co-driver 5 percent at fault.

CLAIMED INJURIES

Brain Damage: Mild; Multiple Vertebrae Fractures; Bladder and Bowel; Bladder and Bowel Incontinence; Colon; Colostomy; General Nerve; Leg; Foot Drop

CLAIMED DAMAGES

Not reported.

SETTLEMENT DISCUSSIONS

Not reported.

EXPERTS

Plaintiff: Not reported.
Defendant: Not reported.

EXPERT TESTIMONY

Not reported.

COMMENTS

Not reported.

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Volunteer Opportunities with CCLS

Submitted by Pro Bono Program

The Pro Bono Program (PBP) at Central California Legal Services (CCLS) recruits and supports the work of volunteer attorneys and law students who provide pro bono legal assistance to low-income individuals and families in Central California. PBP provides volunteers with legal training, mentoring, case management, free malpractice insurance, and other services to facilitate their delivery of free legal services. Learn more about how you can make a difference and advance justice in our communities.

There are numerous volunteer opportunities for attorneys, law clerks, paralegals, and other professionals; free training and MCLE credit is provided. For further information on upcoming clinics and training, please visit our website at www.centralcallegal.org or contact the PBP via email at probono@centralcallegal.org.

Worker's Rights Clinic - Volunteer attorneys can provide free legal information to low-wage workers in the Central Valley to assist with unemployment compensation filings and appeals, minimum wage and overtime violations, failure to pay for work performed, refusal to grant meal and rest breaks, workplace discrimination based upon race, national origin, gender, pregnancy, disability, and other factors. Estimated time for project is 2 hours per clinic held on the third Tuesday of each month from 5:30 - 7:30pm via Zoom and phone.

Know Your Rights - CCLS offers virtual legal information or "Know Your Rights" topics via YouTube on a variety of legal issues. Volunteer attorneys and law students are needed to present on topics with content provided by CCLS. Volunteer attorneys and law students with language ability other than English, such as Spanish and Hmong, are highly desired to lend assistance. CCLS provides all necessary technology.


Project First Step - Project First Step has been an institution at CCLS for over 15 years. Volunteer attorneys assist survivors of domestic violence obtain restraining orders against their abusers. This is a limited scope service. Clients typically have an existing EPO or TRO. Volunteer attorneys will interview the client, prepare and file supplemental pleadings if necessary, and prepare for and attend the hearing on the request for DVRO. Training is provided.

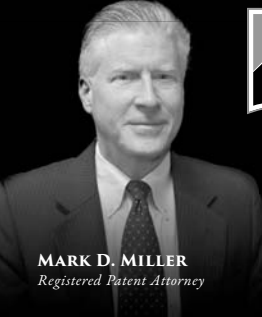
Expungement Clinic - In partnership with the Fresno County Clean Slate Program, Root & Rebound, and San Joaquin College of Law Students for Community Advancement, CCLS is hosting a monthly clinic providing legal information to those with Central Valley convictions seeking expungement/dismissal of their criminal record. Volunteer attorneys will be partnered with a SJCL student to conduct eligibility and complete necessary paperwork to assist the client to file in pro per. Virtual clinics held the last Thursday of the month from 3-5pm.

Guardianship Workshop - CCLS is seeking experienced guardianship legal professionals to participate in approximately one-hour per month answering questions from workshop participants filing guardianship claims in pro per.


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CALENDAR

APRIL

- 6 - **1HR MCLE - GENERAL** - FCBA's April & Pro-Tem MCLE Via Zoom - **Time:** 12:00 – 1:15 p.m. - **Speaker:** David C. Kalemkarian, Presiding Judge of the Fresno County Superior Court - **Topic:** State of the Court Update & Pro-Tem Recognition - **Cost:** Free to FCBA members; \$30 for non-members; Includes 1hr MCLE - Email anitamartinez@fresnocountybar.org for registration link.
- 7 - **1HR MCLE - GENERAL** - FCBA Estate Planning Section Mtg. - Via Zoom **Time:** 12:00 p.m. – 1:00 p.m. - **Speaker:** Michelle Sloan, Manager, Fresno County Public Guardian's Office - **Topic:** Conservatorship Training - The Fun Version for Attorneys - **Cost:** Free to FCBA section members or \$5 if **MCLE** if requested, \$25 for non-section members & \$50 for non-FCBA members. Please send payment to FCBA at 2444 Main St. Ste. 125 Fresno, CA 93721. RSVP & questions to Christina Olson via email: christina@rje-law.com.
- 13 - **1HR MCLE - GENERAL** - FCBA Family Law Section Mtg. - Via Zoom - **Time:** 12:00 p.m. – 1:00 p.m. - **Speaker:** Kenneth Pierce of Pierce & Company **Topic:** Real Property Apportionment - **Cost:** Free to FCBA section members or \$5 if **MCLE** is requested, \$25 for non-section members, plus \$5 for **MCLE** & \$50 for non-FCBA members. **RSVP & questions** to Brenda Hook at brendahookesq@gmail.com - Please forward \$5 MCLE payment to Fresno County Bar Association, 2444 Main Street Ste. 125, Fresno, CA 93721.
- 21 - FCYLA Presents: Wine Wisdom & Wars Stores - **Location:** Pardini's 2257 W. Shaw Ave, Fresno, CA 93711 - **Time:** Social Hour: 5:30 – 6:30p.m./Program: 6:30 -7:30 p.m. - **Speakers:** Hon. Stanley A. Boone, Douglas L. Gordon & Gordon M. Park - **Cost:** Free - Seating is limited **RSVP** to fresnocountyounlawyers@gmail.com - **See insert for more information.**

MARK YOUR CALENDARS!!!

MAY

- 18 - **1HR MCLE - General** - FCBA's Law Day - **Time:** 12:00 – 1:15 p.m. **Speaker:** Hon. Stanley A. Boone, Magistrate Judge U.S. District Court, Eastern District of California - **Topic:** "Toward a More Perfect Union: The Constitution in Times of Change" - **Location/Cost:** TBA.
- 26 - CCAPABA (Central California Asian Pacific American Bar Association) 1st Annual Banquet - **Location:** Shinzen Garden (inside Woodward Park - 114 W. Audubon Fresno, CA 93720) - **Time:** 6:00 p.m. - Keynote Speaker: Judge Anthony Ishii - **See insert for more information.**

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Interviews will be scheduled throughout March and April 2022.



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